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News Release

west virginia



department of environmental protection

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FOR IMMEDIATE RELEASE

DEP Submits AST Rule Fee Proposal

CHARLESTON, W.Va. – The West Virginia Department of Environmental Protection has submitted a proposal for the Aboveground Storage Tank Program that includes one-time tank registration fees along with annual operating and response fees. These fees would be used to administer the AST regulatory program and for a fund meant to ensure the agency is able to adequately respond to leaking ASTs. Both of these funds are required by Senate Bill 373 that passed the West Virginia Legislature last year.

The fee structure is part of proposed Rule 47CSR64 and was submitted to the Secretary of State's Office late yesterday. It will be out for public comment until March 10. A public hearing on the rule will be held at DEP headquarters in Charleston at 6 p.m. that evening.

The fee proposal calls for one-time registration fees of \$40 per tank on all existing storage tanks that meet the criteria for regulation under the program. Those are tanks that can hold 1,320 gallons or more of liquid, are at least 90 percent above ground, are at a fixed location for 60 days or longer and are not considered process vessels or swimming pools. The registration fee for tanks put into service after June 5, 2015, would be \$20 each.

Under the proposal, owners of Level 3 Aboveground Storage Tanks – those deemed to pose little or no risk to public health and the environment – would not have to pay annual operating or response fees, only the registration fees.

Annual operating fees for Level 1 ASTs, those considered to be high risk, would be \$370 per tank. The operating fee for Level 2 tanks, those found to pose a lower risk to public health and the environment, would be \$24 per tank each year.

Under the proposal, owners of both Level 1 and Level 2 ASTs would also be required to pay \$25 per tank in annual response fees.

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“We took a lot of factors into account in the development of this fee structure,” said DEP Cabinet Secretary Randy Huffman. “While we tried to spread out the costs as much as possible, we determined that the highest fees should be assessed on the highest risk tanks, which are the ones we’ll spend the most time and resources monitoring since the law requires DEP to conduct annual inspections of all tanks in drinking water Zones of Critical Concern.”

“Even though the Legislature is revisiting the requirements of the AST program through two new bills introduced this week,” Huffman said, “this fee structure is based on the existing law and needed to be developed and shared with the public before going through the legislative process.”

For more information about what constitutes a Level 1, 2 or 3 AST, to read the proposed fee structure in its entirety or to review the rest of the proposed rule, go to the AST section of the DEP website. This section can be accessed from the agency’s home page, www.dep.wv.gov.

To submit written comments by the March 10 deadline, mail them to:
West Virginia Department of Environmental Protection
Public Information Office
AST Fee Rule Comments
601 57th Street, SE
Charleston, WV 25304

Written comments can also be emailed to wvdeptankrules@wv.gov, with “AST Fee Rule Comments” in the subject line, or submitted at the March 10 public hearing.

For more DEP news and information, go to the website. Also, be sure to connect with the agency on all social media platforms. Follow @DEPWV on Twitter and find us on YouTube by searching “Environment Matters.” For specific information about the Adopt-A-Highway, West Virginia Project WET (Water Education for Teachers), West Virginia NonPoint Source and Youth Environmental programs, connect on Facebook.

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